IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO.398 OF 2006

Mahindra Gesco Developers. Ltd. ...Petitioner

vs.

Biecrete Project Pvt.Ltd. ... Respondent.

Mr.F.Divitre with Gaurav Joshi & Ms.S.Surve i/b. Little & Co. for Petitioner.

Mr.S.U.Kamdar i/b. V.L.Panjwani, for Respondent.

CORAM: D.K.DESHMUKH,J.

DATED: 28th September,2006

P.C.:-

1. Heard the learned Counsel appearing for both the sides. The learned counsel appearing for respondent objects to the maintainability of this petition under Section 34 of the Act at this stage on the ground that order dated 17.7.2006 made by the learned Arbitrator which is challenged in this petition is the order made under Section 16 of the Arbitration and Conciliation Act which can be challenged by the petitioner only while challenging the final award, in

case that Award is made against the petitioner. The challenge to that order at this stage before the final award is made, is not tenable. The objection in my opinion, is well founded. The petition is disposed of . It is clarified that if the final award goes against the petitioner, the petitioner is at liberty to challenge the order which is made by the learned Arbitrator which is impugned in this petition alongwith the final award. The petition is disposed of.